

UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOCIATION OF CONNECTICUT
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March 3, 2022

Testimony in support of SB 212

An Act Concerning Permanent Partial Disability and Pension Offsets

Good morning, Honorable Chairwomen Rep. Porter and Sen. Kushner, members of the Labor and Public Employees Committee. My name is Jeff Tomchik of the Uniformed Professional Firefighters Association of Connecticut which represents 60 Local affiliates of the International Association of Firefighters. Membership in the UPFFA is comprised of approximately 4,000 Union firefighters across Connecticut. I am providing this written testimony in **support of SB 212**.

My predecessor, Rick Hart, provided testimony last year regarding this bill. He detailed specific history of the Worker's Compensation system and how that is negatively impacting a worker's pension benefit. I will continue in defining the difference of an injury benefit, through the result of a permanent partial disability(PPD), and a worker's pension benefit.

Our towns, cities, state and nation was built by and continues to grow via the dedicated work provided by it's citizens. All forms of trades and vocations provide vital services to improve upon infrastructure, public safety, education, and social services(to name a few). Even with significant advances in occupational safety standards, there still exists adherent risks that may lead to worker injuries.

If and when these injuries occur, teachers, firefighters, police officers, social workers, and other employees have come to expect to be justly compensated for an injury that occurred through the course of their employment. This natural process that a worker must navigate has been developed, implemented, and regulated by Connecticut State Statute. There are generally no issues with

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receiving designated compensation based upon CGS 31-308 and the schedule contained therein receiving “compensation for total or partial incapacity or for a specific loss of a member or use of the function of a member of the body” (Connecticut General Assembly, 2019) and the employee is able to return to work. OLR Report 2000-R-1180 states “PPD benefits are for loss of body parts or a reduction of function in a body part”. This clearly defines PPD as a *benefit*, not as wages. Meaning it is intended to make the worker whole for the disability sustained at work that would not have normally occurred through the course of one’s daily life. Not a supplement to salary or wages.

The issue becomes evident when an employee is injured so severely they are unable to reach maximum medical recovery (MMR). As a result, employees are compelled to retire with a disability pension. When this pension is offset by the corresponding permanent partial disability (PPD) payment warranted through and defined by Workers’ Compensation, an act of garnishing the pension is created and construed as punitive. Using the definition, “compensation for total or partial incapacity or for a specific loss of a member or use of the function of a member of the body,” is in effect causing the employee to “pay” for his/her own injury; contrary to the intent of Workers’ Compensation legislation. Further defining the intent of Workers’ Compensation, if an employee is injured and is able to return to work, the employee receives 100% of their weekly salary and 100% of their PPD payment, thus creating an inequity between these two circumstances.

The gravity of this injustice is clearly defined in the case of fire Lt Ray Lodge, who testified last year. He explained that he was in a severe accident while responding to an emergency, when the fire engine experienced catastrophic brake failure. This left Lt Lodge with extensive injuries to his legs. Unable to return to fire fighting, he was able to continue with the Waterbury Fire Department and complete 30 years of service as a dispatcher. Workers’ Compensation continued to provide benefits into his

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retirement as needed and related to the injury. He was awarded a PPD payment determined by the schedule in CGS 31-308. His retirement benefit was then promptly offset to reflect the award amount. This example highlights the injustice of two separate and independent benefits, Workers' Compensation and a municipal pension benefit system, being manipulated in a way that required Lt Lodge to forego earned pension payments that were offset due to a PPD benefit for a disabling injury.

This is wrong. It needs to be fixed.

This clearly illustrates the contradiction, therefore, as an organization, the UPFFA supports and requests **SB 212** move forward.

Thank you,

Jeffrey Tomchik

Director, Legislative and Political Affairs

Uniformed Professional Firefighters Association of Connecticut

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